

## Chapter 5.62

### MASSAGE ESTABLISHMENTS

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#### **5.62.010 Definitions.**

For the purpose of this section:

A. "Massage establishment" means any place where a massage technician conducts or carries on the business of the practice of massage for a fee, gratuity or free demonstration.

B. "Massage" means the practice whereby a person, either by the hands or with a mechanical or electrical apparatus, administers to another person effleurage (stroking), friction (rubbing), petrissage (kneading), tapotement (percussion), and vibration (shaking or trembling), or variations of these, and the use of rehabilitative procedures involving the muscles by non-intrusive means and without spinal manipulation. The practice of massage may include the use of oil, rubs, heat lamps, saltglose, hot and cold packs, or tub, shower, steam, or cabinet baths.

C. "Massage technician" means a person who is licensed by the state of Utah to engage in or to teach the practice of massage for a fee, for a gratuity, or for a free demonstration.

#### **5.62.020 License—Required.**

It is unlawful to operate, conduct, or carry on or maintain a massage establishment in the city without first obtaining a business license from the city.

#### **5.62.030 License—Fees.**

The annual fee for a massage establishment shall be as specified on the fee schedule adopted pursuant to section 5.06.050. This fee is in addition to the general license fee.

#### **5.62.040 License—Application and issuance restrictions.**

Each individual desiring a massage establishment license shall:

A. Submit with the license application a certificate of the state signifying the applicant is a licensed massage technician by the state of Utah.

B. Submit the location, including the street, building and room number of the place where the applicant proposes to operate a massage establishment.

#### **5.62.050 License—Display required.**

A. Every massage establishment licensed under this section shall display its massage establishment license in a conspicuous place on the premises.

B. Every massage technician employed by a licensed massage establishment shall maintain in his possession or immediate presence, his state massage technician license.

#### **5.62.060 Investigation of applicant and premises.**

All applications for massage establishment licenses shall be referred to the license official for zoning approval and sanitary condition and compliance with applicable health department regulations governing the same, the police department for criminal background investigation, and the fire department for inspection to determine compliance with the provisions of the fire code. A license shall be granted upon a recommendation from each of the foregoing that a license be issued.

#### **5.62.070 Unlawful conduct and activities.**

A. It is unlawful for any person who is

not licensed as a massage technician by the state to practice or engage in or attempt to engage in massage or to falsely advertise or represent himself to be authorized to practice or engage in massage when not licensed by the state to do so.

B. It is unlawful to serve, store, or allow to be served or allow to be consumed, any alcoholic beverages on the premises of any massage establishment.

C. It is unlawful for a massage technician, massage apprentice, or any other employee of a massage establishment to touch or offer to touch or massage the genitalia of customers.

D. It is unlawful for a massage technician, massage apprentice, or any customer or employee of a massage establishment to display to any other person any specific anatomical area or to engage in any unlawful activities as defined in chapter 5.82 hereof while on the premises of the massage establishment.

#### **5.62.080 Exemptions.**

The provisions of this section shall not apply to those individuals listed in *Utah Code Ann.* § 58-47a-9 or any successor statute.

#### **5.62.090 License—Revocation.**

Upon a showing that a massage establishment has been operated or maintained or that any employee of a massage establishment has performed massage contrary to state statute or city ordinance, contrary to the public health or the health of the patrons or customers of the establishment or without due regard to proper sanitation or hygiene shall be grounds for the revocation of the establishment's license in accordance with the procedures established by the city.